

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO INTRALATA TOLL)	
COMPETITION, AN APPROPRIATE)	ADMINISTRATIVE
COMPENSATION SCHEME FOR COMPLETION)	CASE NO. 323
OF INTRALATA CALLS BY INTEREXCHANGE)	PHASE II
CARRIERS AND WATS JURISDICTIONALITY)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed August 14, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost and traffic data contained in the attachment to its response to Item 2(d) of the Commission's July 15, 1991 Order on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

In response to Item 2(d) of the Commission's Order, AT&T has filed cost and traffic information which it seeks to protect as confidential. The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the information. AT&T seeks to preserve the confidentiality of the information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the

information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.


The disclosure of weighted cost data for each service and traffic distribution information among specific LECs contained in the attachment to AT&T's response to Item 2(d) would allow AT&T's competitors to learn valuable pricing and market information which they could use in pricing and marketing their competing services. Thus, disclosure of the cost and traffic information would cause competitive injury to AT&T by providing information its competitors could use to obtain an unfair marketing advantage. The information, therefore, should be protected as confidential.


This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost and traffic data contained in AT&T's attachment to its response to Item 2(d) of the Commission's July 15, 1991 Order, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 1st day of November, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director